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ACTION EUR-12

INFO OCT-01 EA-07 ISO-00 IO-13 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

CU-02 SAJ-01 DHA-02 /078 W

----- 019649

R 261443Z JUL 76

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC 6806

INFO AMEMBASSY BELGRADE

AMEMBASSY BERLIN

USMISSION BERLIN

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E.O. 11652: N/A

TAGS: PFOR, PINT, UR, US

SUBJECT: HELSINKI GROUP'S CSCE ANNIVERSARY STATEMENT

REF: MOSCOW'S A-141

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1. SUMMARY. THE SOVIET "HELSINKI GROUP" (TO MONITOR

SOVIET COMPLIANCE WITH THE FINAL ACT) HELD A PRESS CONFERENCE TO MARK THE FIRST ANNIVERSARY OF THE SIGNING OF THE FINAL ACT, WHERE CHAIRMAN YURIY ORLOV DISTRIBUTED THE GROUP'S DETAILED, WELL DRAFTED AND WELL ARGUED ASSESSMENT OF THE EFFECT THE FINAL ACT HAS HAD ON THE STRUGGLE FOR HUMAN RIGHTS IN THE USSR. ITS CONCLUSIONS: (A) THAT THE USSR HAS DEMONSTRATED THAT IT DOES NOT INTEND TO FULFILL ITS HUMAN RIGHTS OBLIGATIONS UNDER THE FINAL ACT, AND (B) THAT NEVERTHELESS, THE FINAL ACT IS A VALUABLE TOOL IN PRESSING SOVIET AUTHORITIES TOWARD BETTER PERFORMANCE IN THE FIELD OF HUMAN RIGHTS. END SUMMARY.

2. IN A PRESS CONFERENCE HELD ON JULY 21 TO MARK THE UPCOMING FIRST ANNIVERSARY OF THE HELSINKI FINAL ACT, YURIY ORLOV, CHAIRMAN OF THE SOVIET HELSINKI GROUP, DISTRIBUTED THE GROUP'S ASSESSMENT OF THE EFFECT THE FINAL ACT HAS HAD ON THE STRUGGLE FOR HUMAN RIGHTS IN THE USSR. THE 14 PAGE, WELL-DRAFTED AND COMPREHENSIVE DOCUMENT WAS SIGNED BY NINE MEMBERS OF THE GROUP: L. ALEKSEYEVA, A. GINZBURG, P. GRIGORENKO, A. KORCHAK, M. LANDA, A. MARCHENKO, YU. ORLOV, V. SLEPAK, AND A. SHCHARANSKIY. ITS SIX SUB-SECTIONS BEAR THE FOLLOWING HEADINGS: (-) GENERAL ASSESSMENT, (2) OFFICIAL REACTION TO EUROPEAN CONFERENCE, (3) MANEUVERS OF AUTHORITIES ON QUESTION OF EMIGRATION, (4) STRUGGLE OF AUTHORITIES AGAINST DISSEMINATION OF EXPOSE INFORMATION, (5) INCONSISTENCIES BETWEEN NATIONAL LAWS AND SIGNED CONVENTIONS, AND (6) ACTIVITIES OF THE HELSINKI GROUP. A COPY OF THE DOCUMENT IS BEING POUCHED TO EUR/SOV.

3. THE PAPER'S PRINCIPAL CONCLUSIONS:

--BY ITS ACTIONS SINCE SIGNING THE FINAL ACT, THE USSR HAS DEMONSTRATED THAT IT DOES NOT INTEND TO FULFILL ITS HUMAN RIGHTS OBLIGATIONS UNDER THE FINAL ACT;

--NEVERTHELESS, THE FINAL ACT IS A VALUABLE TOOL IN PRESSING SOVIET AUTHORITIES TOWARD BETTER PERFORMANCE IN THE FIELD OF HUMAN RIGHTS.

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4. WHILE THE PAPER PROVIDES AMPLE DOCUMENTATION IN DEMONSTRATING SOVIET DISREGARD FOR HUMAN RIGHTS, WE FIND PARTICULARLY INTERESTING THE ARGUMENTS IT ADVNACES IN SUPPORT OF THE SECOND CONCLUSION. THE AUTHORS CONCEDE THAT THEY WERE INITIALLY PESSIMISTIC ABOUT THE VALUE OF THE FINAL ACT'S HUMAN RIGHTS PROVISIONS, BUT THAT THEY CHANGED THEIR MINDS WHEN THE FOLLOWING CONSIDERATIONS

BECAME CLEAR:

--IN CONTRAST TO EARLIER INTERNATIONAL DECLARATIONS, OBLIGATIONS WITH RESPECT TO HUMAN RIGHTS IN THE FINAL ACT WERE ACCEPTED BY THE USSR "IN EXCHANGE" FOR SIGNIFICANT "POLITICAL CONCESSIONS" MADE BY WESTERN GOVERNMENTS. THIS PROVIDES WESTERN LEADERS WITH AN UNPRECEDENTED OPPORTUNITY TO INSIST THAT THE USSR FULFILL ITS OBLIGATIONS; THIS THEY HAVE BEGUN TO DO, ALBEIT TIMIDLY; --INFORMATION ON SOVIET VIOLATIONS PUBLICIZED BY CIVIL RIGHTS ADVOCATES IN THE USSR HAS HAD SOME IMPACT ON WESTERN CIRCLES, AND EVEN ON WESTERN COMMUNIST PARTIES;

--A NUMBER OF INTERNAL AND EXTERNAL EVENTS (ANGOLA, THE SOVIET CROP FAILURE AND OTHER ECONOMIC DIFFICULTIES, ETC.) TENDED TO LOWER SOVIET PRESTIGE IN THE WEST, FORCING SOVIET AUTHORITIES TO MAKE CONCESSIONS IN A FEW INDIVIDUAL, HIGHLY PUBLICIZED CASES. IT IS NONTHELESS CLEAR THAT SOVIET REPRESSIVE POLICIES CONTINUE UNABATED, ESPECIALLY IN THOSE INSTANCES WHEN THEY TAKE PLACE WITHOUT BECOMING PUBLIC KNOWLEDGE. THE PAPER CONCLUDES THAT FURTHER PROGRESS COULD BE ACHIEVED IF THE SOVIET HUMAN RIGHTS MOVEMENT WERE TO EXPAND ITS ACTIVITIES AND IF IT COULD ENJOY GREATER SUPPORT IN THE WEST.

5. THE PAPER PROVIDES A WEALTH OF SUPPORTING EVIDENCE IN DESCRIBING HOW SOVIET AUTHORITIES REACTED IN SEEKING TO DEMONSTRATE THEIR COMPLIANCE WITH THE FINAL ACT'S HUMAN RIGHTS PROVISIONS WHILE AT THE SAME TIME MAKING CLEAR TO SOVIET CITIZENS THAT THEY SHOULD NOT CITE THE FINAL ACT AS ENTITLING THEM TO EXERCISE THEIR LEGAL RIGHTS. FOR EXAMPLE, SOVIET OFFICIALS INTERPRET FINAL ACT PROVISIONS AS ALLOWING THEM TO PLACE NEW RESTRICTIONS ON EMIGRATION, LIMITED OFFICIAL USE

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ESPECIALLY IN CASES INVOLVING THE REUNIFICATION OF FAMILIES. SENSING A SPECIAL DANGER IN AN UNCONTROLLED DISSEMINATION OF INFORMATION, THEY CONTINUE TO VIOLATE BASIC RIGHTS BY INTERFERENCE, WHICH IS BOTH ARBITRARY AND ILLEGAL (UNDER SOVIET LAW), WITH COMMUNICATIONS INVOLVING CONTACTS WITH PARTIES OUTSIDE OF THE USSR, WITH PRISONERS, AND WITH THE PRIVACY OF MAIL, TELEPHONE, AND TELEGRAPH.

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R 261443Z JUL 76

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6. THE PAPER ALSO CALLS ATTENTION TO THE CONFLICTS AND
INCONSISTENCIES BETWEEN THE INTERNATIONAL OBLIGATIONS
UNDERTAKEN BY THE USSR AND THE PROVISIONS IN ITS NATIONAL
AND REPUBLIC
LAWS. FOR EXAMPLE:

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--ARTICLE 126 OF THE SOVIET CONSTITUTION, REQUIRING THAT THE CPSU BE THE "DIRECTING CENTER" OF ALL ORGANIZATIONS, WHETHER SOCIAL OR STATE, VIOLATES INTERNATIONAL PROVISIONS ON RIGHTS AND FREEDOMS OF ASSOCIATION;

11PAR. 52 OF RSFSR MARRIAGE AND FAMILY CODE, REQUIRING PARENTS TO BRING UP CHILDREN ACCORDING TO THE COMMUNIST MORAL CODE, AND OTHER PARAGRAPHS AUTHORIZING REMOVAL OF CHILDREN FROM PARENTAL CUSTODY, "ARE IN SCANDALOUS CONTRADICTION TO THE LANGUAGE OF THE FINAL ACT AND THE UNIVERSAL DECLARATION OF THE RIGHTS OF MAN."

6. IN CONCLUSION, THE PAPER DESCRIBES THE ACTIVITIES OF THE HELSINKI GROUP AND NOTES THE DIFFICULTY UNDER SOVIET CONDITIONS OF ASCERTAINING FACTS INVOLVING HUMAN RIGHTS VIOLATIONS AND OF COMMUNICATING THEM TO THE WORLD. IT NOTES THAT "WE HAVE NOT RECEIVED RECEIPTS OF DELIVERY" OF REGISTERED MAIL COMMUNICATIONS SENT BY THE GROUP TO VARIOUS EMBASSIES IN MOSCOW.

7. COMMENT. THE HELSINKI GROUP'S ASSESSMENT DESERVES CLOSE STUDY AS A COGENT AND COURAGEOUS ANALYSIS OF OFFICIAL SOVIET ATTITUDES AND OF THE POSSIBILITIES INHERENT IN THE OBLIGATIONS UNDERTAKEN BY THE USSR IN SIGNING THE HELSINKI FINAL ACT.

8. JUDGING FROM OUR ACQUAINTANCE WITH MANY IN THIS GROUP, THEY ARE ABOVE ALL SERIOUS PEOPLE: RELATIVELY BALANCED AND MODERATE IN THEIR VIEWS, REALISTIC BOTH IN THEIR GOALS AND IN HOW THEY SEEK TO ACHIEVE THEM: RELATIVELY WELL INFORMED ABOUT EVENTS AT HOME AND ABROAD; AND POSSESSING A DEVELOPED POLITICAL SENSE OF TACTICS AND TIMING. LIKE ALL SOVIET DISSIDENTS, THEY SEEK SUPPORT ABROAD, AND IN THIS THE HELSINKI GROUP HAS PERCEIVED LEVERAGE INHERENT IN THE FINAL ACT, MUCH AS THE DISSIDENT JEWISH COMMUNITY AND THE SOVIET BRANCH OF AMNESTY INTERNATIONAL HAVE SOUGHT TO OPERATE UNDER THE SPOTLIGHT OF PUBLICITY AND SUPPORT PROVIDED BY SYMPATHETIC GROUPS ABROAD. BUT THE HELSINKI GROUP HAS GONE ONE STEP FURTHER IN CHOOSING TO OPERATE UNDER THE UMBRELLA OF AN LIMITED OFFICIAL USE

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INTERNATIONAL AGREEMENT IN SUCH A WAY AS TO TEST BY THE GROUP'S ACTIVITIES BOTH THE GOOD FAITH OF SOVIET AUTHORITIES AND THE RESOLUTION OF THE WESTERN SIGNATORIES OF THE FINAL ACT.

9. THE FACT THAT SOVIET AUTHORITIES HAVE SO FAR REFRAINED FROM MOVING AGAINST THE GROUP (OTHER THAN BY ALLOWING TWO CHARTER MEMBERS TO EMIGRATE) IS SURE TO BE

UNDERSTOOD BY ITS FOUNDERS AS MEANING THAT THEY CAN TAKE
ANOTHERSTEP IN EXPANDING THEIR ACTIVITIES. THE PRESENT
DECLARATION, THEREFORE, IS SURE TO BE FOLLOWED BY OTHER
DELIBERATE, CALCULATED MOVES.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, AGREEMENTS, DOCUMENTS, PRESS CONFERENCES
Control Number: n/a
Copy: SINGLE
Draft Date: 26 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MOSCOW11752
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760287-0067
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760722/aaaaaswx.tel
Line Count: 282
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 09 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 APR 2004 by greeneet>; APPROVED <12 APR 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HELSINKI GROUP'S CSCE ANNIVERSARY STATEMENT
TAGS: PFOR, PINT, UR, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006